

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00360

**Donnel J. Shelton,**  
*Plaintiff,*

v.

**Craig Shelton, et al.,**  
*Defendants.*

**ORDER**

Plaintiff Donnel Shelton, a pretrial detainee confined at the Van Zandt County Jail, proceeding pro se, filed this lawsuit complaining of alleged violations of his rights pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love. On August 18, 2023, the magistrate judge issued a report recommending that plaintiff's claims against defendant Tonda Curry be dismissed with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). Doc. 8. Plaintiff filed objections to the report and recommendation and an amended complaint. Docs. 15, 16.

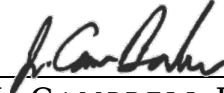
The court reviews the objected-to portions of a report and recommendation de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Plaintiff's objections do not allege any specific facts to show that Van Zandt County prosecutor Tonda Curry acted outside of the scope of her prosecutorial duties. Having reviewed the record, the court agrees that plaintiff has not overcome the absolute immunity that attaches to prosecutors acting within the scope of their duties. *Imbler v. Pachtman*, 424 U.S. 409, 420–24 (1976).

Accordingly, plaintiff's objections are without merit. The report and recommendation of the magistrate judge (Doc. 8) is

accepted. Plaintiff's claims against defendant Tonda Curry are dismissed with prejudice pursuant to 28 U.S.C. § 1915A(b)(1).

*So ordered by the court on September 29, 2023.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is positioned above a horizontal line.

J. CAMPBELL BARKER  
United States District Judge